

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
10

11 GARY DALE HINES,

12 Petitioner,

13 v.

14 MICHAEL MARTEL, Warden of San  
15 Quentin State Prison,

16 Respondent.

No. 2:98-cv-0784-TLN-EFB DP

DEATH PENALTY CASE

ORDER

17  
18 Petitioner is a prisoner on California's Death Row seeking a writ of habeas corpus  
19 pursuant to 28 U.S.C. § 2254. He is currently represented by attorneys Mary Louise Frampton  
20 and Scott W. Williams. On September 26, 2018, Ms. Frampton filed a motion to withdraw as  
21 attorney for petitioner. ECF No. 346. She states that the responsibilities associated with her  
22 position – accepted in January of 2017 – as a professor at King Hall School of Law, University of  
23 California, Davis are beyond those contemplated by a normal, full-time position. *Id.* at 2. Those  
24 responsibilities include teaching and directorship of the Aoki Center for Critical Race and Nation  
25 Studies. *Id.* As a consequence, she can no longer devote adequate time to these capital habeas  
26 proceedings.

27 Ms. Frampton states that petitioner has been notified of her intent to withdraw. *Id.* Mr.  
28 Williams remains petitioner's counsel. *Id.* Finally, potential replacement counsel has been

1 identified by the Federal Public Defender of the Eastern District of California. *Id.* Ms. Frampton  
2 asks that the court refer this matter to the Selection Board for recommendation of replacement  
3 counsel. *Id.*


4 Good cause being shown, it is HEREBY ORDERED that:

5 1. The motion to withdraw (ECF No. 346) is GRANTED;

6 2. This matter is referred to the Selection Board for the United States District Court for  
7 the Eastern District of California to recommend qualified replacement counsel for appointment by  
8 this court; and

9 3. The Clerk of Court is directed to serve a copy of this order on: (1) Kurt Heiser, CJA  
10 Administrator, Office of the Federal Defender; and (2) Kelly Culshaw, Capital Habeas Unit,  
11 Office of the Federal Defender.

12 DATED: October 18, 2018.

13   
14 EDMUND F. BRENNAN  
15 UNITED STATES MAGISTRATE JUDGE  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28